



CITY OF DULUTH
Planning Division

411 W 1st St, Rm 208 * Duluth, Minnesota 55802-1197
Phone: 218/730.5580 Fax: 218/723-3559

STAFF REPORT

File Number	PL 13-131		Contact	Steven Robertson, 218-730-5295	
Application Type	Concurrent Use of Streets Permit		Planning Commission Date	November 12, 2013	
Deadline for Action	Application Date	October 7, 2013	60 Days	December 6, 2013	
	Date Extension Letter Mailed	October 18, 2013	120 Days	February 4, 2013	
Location of Subject	1527 East 5th Street				
Applicant	Scalzo Properties, LLC		Contact	lscalzo@charter.net	
Agent	Lynne Scalzo		Contact	lscalzo@charter.net	
Legal Description	010-1480-08610				
Site Visit Date	October 29, 2013		Sign Notice Date	October 29, 2013	
Neighbor Letter Date	October 18, 2013		Number of Letters Sent	72	

Proposal

The applicant is seek a Concurrent Use permit to add one off-street parking space in front of the applicant's apartment building. The parking space would primarily be located in the right of way of East 5th Street.

	Current Zoning	Existing Land Use	Future Land Use Map Designation
Subject	R-1	Residential	Traditional Neighborhood
North	R-1	Residential	Traditional Neighborhood
South	R-1	Residential	Traditional Neighborhood
East	R-1	Residential	Traditional Neighborhood
West	R-1	Residential	Traditional Neighborhood

Summary of Code Requirements (reference section with a brief description):

UDC Section. 50-37.7C. The planning commission shall review the application, and council shall approve the application or approve it with modifications, if it determines that:

1. The proposed concurrent use will not harm or inconvenience the health, safety and general welfare of the city;
2. Any proposed skywalk will significantly improve the circulation of pedestrians in the city without exposure to weather conditions;
3. No portion of a public easement proposed for use is being physically used or occupied by the public.

J-1

Comprehensive Plan Findings (Governing Principle and/or Policies) and Current History (if applicable):

Traditional Neighborhood Future Land Use. Characterized by grid or connected street pattern, houses oriented with shorter dimension to the street and detached garages, some with alleys. Limited commercial, schools, churches, and home-businesses. Parks and open space areas are scattered through or adjacent to the neighborhood. Includes many of Duluth's older neighborhoods, infill projects and neighborhood extensions, and new traditional neighborhood areas.

Principle #8 - Encourage mix of activities, uses and densities

Cities have evolved as a mix of land uses, building types, housing types, and activities. Accommodating choice while protecting investment is a balance to strike in land use regulation. Mixed uses provide opportunity for a diversity of activity that segregated, uniform uses do not provide.

Discussion (use numbered or bullet points; summarize and attach department, agency and citizen comments):

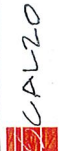
- 1) The applicant is seeking a variance and concurrent use permit to provide one additional off-street parking space for the tenants of their 4 unit apartment complex. The variance is required to exceed the requirements of front-yard parking of UDC section 50-24.6. The concurrent use permit is required because the applicant wishes to place the additional parking space in the public right of way, up to the back of the existing sidewalk. If the variance is denied, then the applicant cannot proceed with their request for a concurrent use permit.
- 2) The apartment building was built in 1929, and purchased by the applicant in 2012. The lot is 95 feet wide and a 40 feet deep. Approximately 10 feet of the lot is used by neighboring property owners to access their garages. The front of the lot is considered to be East 5th Street; the right of way is 66 feet wide with curb and gutter, and sidewalks, on both sides.
- 3) The proposal will not harm or inconvenience the health, safety and general welfare of the city. While the right of way is currently being physically used by the public, the proposal project will not interfere with the public's ability to use the right of way (sidewalk or street).
- 4) The proposal is not an unreasonable use of public right of way and can be terminated if the City of Duluth desires to use the area for any public purpose. However, the city has had restrictions on parking in front of structures in residential districts since 1958, with allowances for driveway parking designed primarily for access to a garage. Granting this proposal would go against a long standing rule intended to improve the appearance and function of residential areas.
- 5) No City, citizen, or agency comments were received.
- 6) When concurrent use permits for parking in the right of way have been granted in the past, the general understanding is that the parking can not be restricted to private parties or rented/leased to individuals, but instead be available for the general public.

Staff Recommendation (include Planning Commission findings, i.e., recommend to approve):

Staff recommends denial of the variance (PL 13-131). If the variance is granted, and the Planning Commission wishes to grant the concurrent use permit, it should be with the condition that the parking space being provided in the public right of way should be open to the public.

J-2

Attachments (aerial photo with zoning; future land use map; site plan; copies of correspondence)



I hereby certify that this site specification or report was prepared by me or under my direct supervision and that I am a duly licensed professional engineer under the laws of the State of Minnesota.

WILLIAM E. SCALZO

DATE
LICENSE NO. 19130

CONTRACTORS

PROJECT
**HIGHLAND PARK
APARTMENTS**
1529 E 5TH ST
DULUTH MN 55812

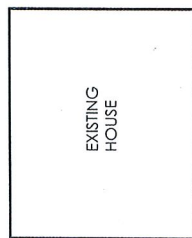
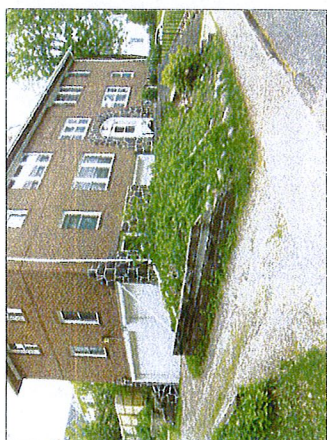
EXISTING SITE PLAN

REVISIONS

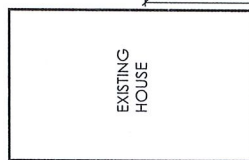
DATE JULY 5, 2013
DRAWN ZKS
CHECKED WBS
PROJECT 1217

0 1"
FULL SCALE

SHEET NO.
EX1

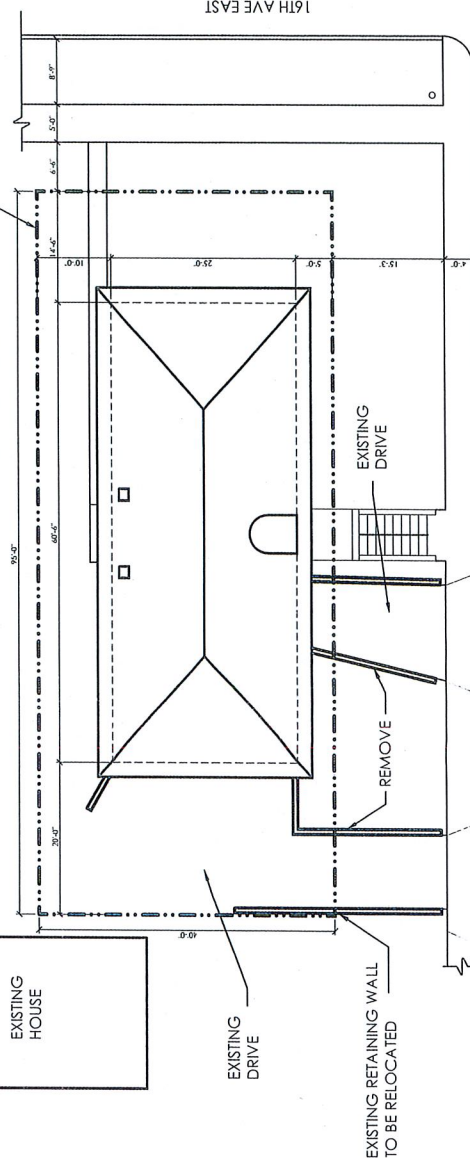


EXISTING
HOUSE



EXISTING
HOUSE

PROPERTY LINE



16TH AVE EAST

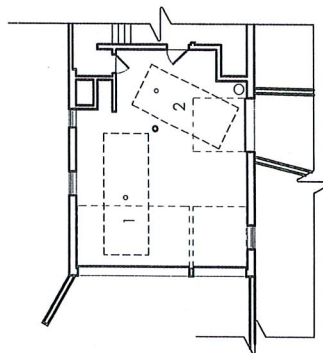
EAST 5TH STREET



SITE PLAN

1/16"=1'-0"

1
EX1

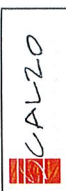


EXISTING PLAN

1/16"=1'-0"

2
EX1

J-3



I hereby certify that this plan, specification, or report was prepared by me or under my direct supervision and that I am a duly Licensed Architect under the laws of the State of Minnesota.

WILLIAM B. GALZO
 DATE _____
 LICENSE NO. 18130

CONTRACTORS

PROJECT
HIGHLAND PARK APARTMENTS
 1520 E 5TH ST
 DULUTH MN 55812

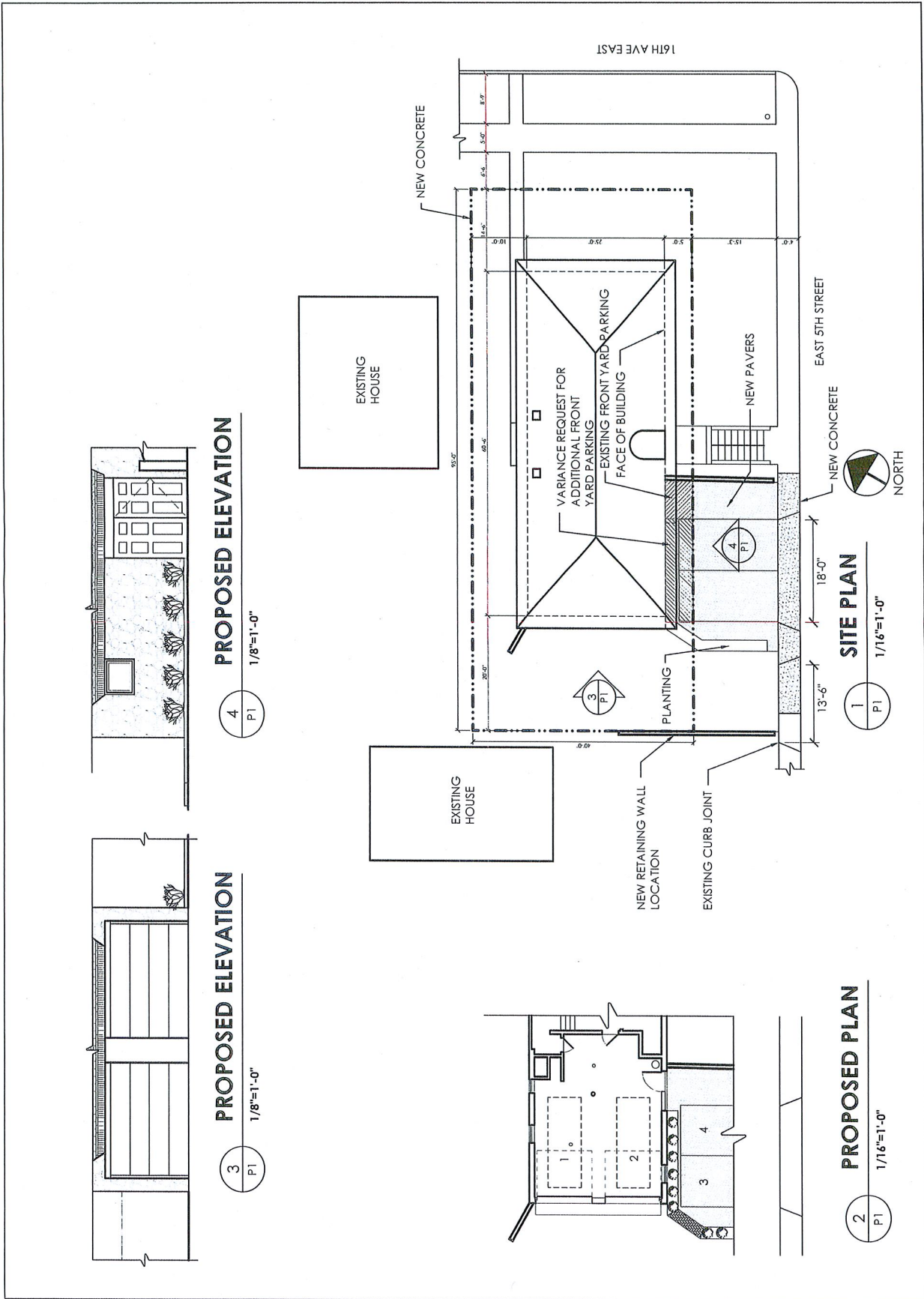
PROPOSED SITE PLAN

REVISIONS

DATE JULY 5, 2013
 DRAWN ZKS
 CHECKED WBS
 PROJECT 1217

0 1" FULL SCALE

SHEET NO. **P1**



5-4